



**FILE:** PA02-0134

**DATE:** June 02, 2003

**TO:** File/Record/Applicant

**FROM:** Bryan Speegle, Interim Director, Planning and Development Services Department

**SUBJECT:** Planning Application PA02-0134 for Site Development Permit

**LOCATION:** 10581 Brier Lane, Cowan Heights unincorporated area

**APPLICANT:** Jonathan Nguyen, property owner  
Andrew Grechuta, G&G Engineers, civil engineer  
Don Glowacz, Custom Builders, agent

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**I. NATURE OF PROJECT:**

Applicant requests approval to grade approximately 2,000 cubic yards on slopes exceeding 30%, on a lot nearly one acre in size, for development of a single family home. Retaining walls to an exposed height of as much as 14' at one point are involved in creating the pad, but no wall section or element exceeds the permitted height at its respective location (i.e., 3.5' in the 10' front setback or 6' to the neighbor's perspective in the 8' side and 25' rear setbacks). The project site is zoned Cowan Ranch Planned Community ("low density residential") in the Cowan Heights neighborhood. The North Tustin Specific Plan Board of Review examined this project on February 19 and March 19, 2003, and recommended approval subject to conditions that the exterior walls be landscaped over, and that the extension of the regional riding and hiking trail in the area potentially through the property be resolved.

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**II. REFERENCE:** (Authority for Administrative action is given by what ordinance, regulation, etc.)

Orange County Zoning Code Section 7-9-150 "Discretionary Permits and Procedures"; and Section 7-9-139(b)(2).

**III. ENVIRONMENTAL DOCUMENTATION:**

The proposed project is covered by a Negative Declaration, which became final on March 17, 2003. Mitigation measures were included to address drainage and construction noise. These mitigation measures have been transposed into recommended conditions of approval for the project. Prior to project approval, the decision-maker must conclude this ND is adequate to satisfy the requirements of CEQA for the proposed project. An appropriate finding to that effect is included.

It is hereby noted for the record that this environmental documentation does not address the implementation of the condition of approval (No. 10) recommended to address the provision of riding and hiking trail(s) through the property. At such time as grading or building permits are required to implement this condition, a separate examination of the plans for said permits will be required to determine the appropriate environmental documentation.

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#### **IV. CERTIFICATION:**

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Bryan Speegle, Interim Director  
Planning and Development Services Department

By:

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Chad Brown, Section Chief  
CPSD/Site Planning Section

#### **ATTACHMENTS:**

Appendix A - Findings

Appendix B - Conditions of Approval

#### **APPEAL PROCEDURE**

Any interested person may appeal the decision of the Director on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

**Appendix A  
Findings  
PA020134**

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**1                      GENERAL PLAN      PA020134**

That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

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**2                      ZONING                      PA020134**

That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.

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**3                      COMPATIBILITY      PA020134**

That the location, size, design and operating characteristics of the proposed use will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity.

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**4                      GENERAL  
WELFARE                      PA020134**

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

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**5                      PUBLIC  
FACILITIES                      PA020134**

That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).

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**6                      NEGATIVE  
DECLARATION                      PA020134                      (Custom)**

In accordance with Section 21080(c) of the Public Resources Code and CEQA Guidelines Section 15074, Negative Declaration No. PA 020134, reflects the independent judgment of the lead agency, Orange County, and satisfies the requirements of CEQA. It is approved for the proposed project based upon the following findings:

- a. The Negative Declaration and comments on the Negative Declaration received during the public review process were considered and the Negative Declaration was found adequate in addressing the impacts related to the project; and
- b. There is no substantial evidence that the project, with the implementation of the mitigation measures, which are included in the Negative Declaration, will have a significant effect on the environment; and
- c. Pursuant to Public Resources Code Section 21081.6, the Monitoring and Reporting Program is adopted.

7                    **FISH & GAME –            PA020134**  
                         **NOT SUBJECT**

That pursuant to Section 711.4 of the California Fish and Game Code, this project is not subject to the required fees as it has been determined that potential adverse impacts to wildlife resources could not result from implementation of the project.

**Appendix B**  
**Conditions of Approval**  
**PA020134**

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<b>1</b>	<b>CP</b>	<b>CP</b>	<b>NA</b>	<b>BASIC/ZONING REG</b>	<b>PA020134</b>
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This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

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<b>2</b>	<b>CP</b>	<b>CP</b>	<b>NA</b>	<b>BASIC/TIME LIMIT</b>	<b>PA020134</b>
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This approval is valid for a period of 24 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

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<b>3</b>	<b>CP</b>	<b>CP</b>	<b>NA</b>	<b>BASIC/PRECISE PLAN</b>	<b>PA020134</b>
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Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDSD, for approval. If the Director, PDSD, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

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<b>4</b>	<b>CP</b>	<b>CP</b>	<b>NA</b>	<b>BASIC/COMPLIANCE</b>	<b>PA020134</b>
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Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

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<b>5</b>	<b>CP</b>	<b>CP</b>	<b>NA</b>	<b>BASIC/OBLIGATIONS</b>	<b>PA020134</b>
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Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

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<b>6</b>	<b>CP</b>	<b>CP</b>	<b>NA</b>	<b>BASIC/APPEAL EXACTIONS</b>	<b>PA020134</b>
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Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

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<b>7</b>	<b>SG</b>	<b>SG</b>	<b>G</b>	<b>DRAINAGE STUDY</b>	<b>PA020134</b>
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Prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Manager, Subdivision & Grading Services:

- A. A drainage study of the subdivision including diversions, off-site areas that drain onto and/or through the subdivision, and justification of any diversions; and
- B. When applicable, a drainage study showing that proposed drainage patterns will not overload existing storm drains; and
- C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, erosion control measures during construction, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

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8	<b>SG</b>	<b>SG</b>	<b>G</b>	<b>DRAINAGE IMPROVEMENTS</b>	<b>PA020134</b>
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Prior to issuance of any building permit or prior to the issuance of any grading permits, whichever comes first, the applicant shall in a manner meeting the approval of the Manager, Development Services Division:

- 1) Design provisions for surface drainage; and
- 2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm run-off; and
- 3) Dedicate the associated easements to the County of Orange, if determined necessary.

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9	<b>BP</b>	<b>BP</b>	<b>G</b>	<b>CONSTRUCTION NOISE</b>	<b>PA020134</b>
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Prior to the issuance of any grading/excavation permits, the project proponent shall produce evidence acceptable to the Manager, Building Permits Services, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or staging areas shall be located as far as vehicle practicable from dwellings.

Notations in the above format, appropriately numbered and included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition.

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10	<b>HB</b>	<b>HB</b>	<b>G</b>	<b>RIDING/HIKING TRAIL PA020134</b>	(Custom)
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Prior to the issuance of a grading permit, applicant shall:

- i. Irrevocably offer a recreation easement by separate instrument for riding and hiking trail purposes for the Newport Boulevard Regional Riding and Hiking Trail in a location and in a manner meeting the approval of the Manager PFRD/HBP Program Management. The subdivider shall not grant any easement(s) over the property subject to the recreation easement unless such easements are first reviewed and approved by the Manager PFRD/ HBP Program Management.
- ii. Design the necessary improvements for the trail, including, but not limited to grading, erosion control, signage, and in a manner meeting the approval of the Manager PFRD/ HBP Program Management.
- iii. Enter into an agreement, accompanied by financial security, with the County of Orange, to insure the installation of the necessary improvements.
- iv. Obtain approval from the Manager PFRD/ HBP Program Management, that the proposed grading provides for and will not interfere with or preclude the installation of the recreational riding and hiking trail.

Prior to the issuance of final certificates of use and occupancy and the release of financial security guaranteeing the riding and hiking trail improvements, the applicant shall install the riding and hiking trail improvements in a manner meeting the approval of the Manager PFRD/HBP Program Management in consultation with the Manager, PFRD/Construction.

In conjunction with ii, above, applicant shall prepare a trail improvement plan, subject to approval of the Manager, PFRD/NBP Program Management as follows:

The plan shall include, but not be limited to trail alignment, grading, retaining walls, drainage, trail surface, and fencing. Applicant shall ensure the trail is designed in such a way as to accommodate county service vehicles. Typical section would be a 6" crushed rock base and a 4" cap of disintegrated granite.

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11	<b>HB</b>	<b>HB</b>	<b>G</b>	<b>TREE PRESERVATION PLAN PA020134</b>	(Custom)
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Prior to issuance of any grading permits, the applicant shall obtain the approval of the Manager, PFRD/HBP Program Management, of a landscape and tree preservation plan for the property.